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ABSTRACT

This paper examines how the Texas charter-school law is being implemented, with particular attention paid to issues of equity and social justice. It focuses on the demographic composition of students and staff in Texas' charter schools, provisions for oversight and accountability, early indices of student performance, ongoing controversies, analyses of trends, and recommendations for ensuring equity in charter schools. Compared with their overall enrollment in public schools, African-American and Hispanic students are over-represented in charter schools, while their Anglo counterparts are underrepresented. In addition, charter schools serve fewer numbers of special-education and limited-English-proficient (LEP) students than public schools statewide. This raises serious questions of equity and social justice, particularly insofar as children labeled as "special ed" or LEP are considered by many educators to be the children most difficult to educate. Another equity area concerns the subject of staffing and governance. Tables present student demographics and percentage passing the Texas Assessment of Academic Skills for charter schools and public schools. An appendix contains a summary of key provisions of Texas' Charter School Law. (Contains 38 references.) (DFR)

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Texas: Charter Schools and the Struggle for Equity[i]

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INTRODUCTION

In 1995, with the enthusiastic support of Republican Governor George Bush, the Texas state legislature passed charter school legislation (SB 1) allowing for twenty state-approved open-enrollment charter schools and an unlimited number of district-approved campus charters. In 1997, the legislature increased the cap to 120 open-enrollment charters and unlimited additional charters if at least 75 percent of the students served by the charter school are "at-risk" of dropping out. Texas' charter school law is considered one of the strongest in the nation (Center for Education Reform 1998). This chapter examines how the law is being implemented in Texas, with particular attention paid to issues of equity and social justice. The chapter focuses on the demographic composition of students and staff in Texas' charter schools, provisions for oversight and accountability, early indices of student performance, ongoing controversies, analyses of trends, and recommendations for ensuring equity in charter schools.

TEXAS' CHARTER SCHOOL LAW

SB 1 authorizes the State Board of Education (SBOE) to grant open-enrollment charters to schools operated by a public, private, or independent institution of higher education, a non-profit organization, for-profit management companies, or a governmental entity. Charters may not be granted directly to for-profit organizations, although such organizations may be contracted to manage or operate a charter school (Center for Education Reform 1998). Existing public schools may be converted to charter schools, as may private schools. However, home-based schools may not convert to charter status. Charter schools are considered part of the public school system and must accept students regardless of where they live. A charter school may only deny

admission to students who are adjudicated, convicted of delinquent conduct, or who have been removed from their previous school due to disciplinary reasons. However, many charter schools are designed to work with just this type of "hard to educate" or "troubled" student. Appendix A contains a brief summary of the specific features of Texas' charter school law.

Although open-enrollment charter schools are exempt from many state mandates, they are not exempt from regulations regarding class size, graduation and accountability requirements, laws related to bilingual and special education, textbooks, finance, and selected additional provisions. Under state statute, the State Board of Education (SBOE) has the authority to approve charter applications after review by the Texas Education Agency (TEA). The State Board has the responsibility for adopting "criteria to use in selecting a program for which to grant a charter and procedures to be used for modifying, placing on probation, revoking, or denying renewal of the charter of an open-enrollment charter school" (SBOE 1997, p. 2). The charter is renewable after five years.

Open-enrollment charter schools are the most common of the three types of charter schools permitted under state law. In addition, state law allows school districts to apply for home-rule school *district* charters, designed to give parents and teachers more input into the delivery of education. These districts are subject to the same regulations as open-enrollment charter schools. To date, no districts have applied for home-rule status," in large measure because the home-rule provision actually gives a district less freedom from regulation than if the district were to convert each of its schools to campus charter status.

Campus charters are public school conversions created by local school districts and receive less monitoring from the TEA. However, campus charters have less independent authority from the local district than an open-enrollment charter school (which operates independently of a school district). Campus charters must give enrollment preference to district students, while open-enrollment charter schools do not have enrollment restrictions (U.S. Department of Education 1998a). For a school district to convert a school to a campus charter, the parents of a majority of students and a majority of classroom teachers in the school must agree to the conversion. State law requires every district to adopt a board policy, application, and approval process for campus charters. There are no limits on the number of campus charters a district may award. Presently, 25 of the 166 charter schools in Texas (15 percent) are classified as campus charters; the remainder are classified as open-enrollment charter schools. Twenty of the 25 (80 percent) campus charter schools are in Houston.

POLICY IMPLEMENTATION AND THE ISSUE OF EQUITY

As of fall 1999, 150 charter schools are in operation (16 additional schools have been granted charters but are not yet in operation) throughout Texas, serving approximately 30,000 students ("Texas Charter School Information" 1999). The number grows every year, with some schools opening up mid-year. In Fall 1996, seventeen charter schools opened throughout the state; two years later, that number had grown to ninety, and a year later, sixty more schools opened. Despite the growing popularity of charter schools in Texas, student enrollment in charter schools (30,000) represents less than one percent of the total student enrollment (3.9 million) in public schools in Texas. Similarly, the 166 charters that have been granted since 1995 represent less than three

percent of the total number of public schools (approximately 6,000) in Texas (Charter School Resource Center 1999). Although many states place a cap on the total number of charters that can be authorized, legislation in some states such as Texas contains the provision that any additional charters granted above the cap must serve at least 75 percent at-risk students (SBOE 1997). Texas has a flexible cap, with a preference for schools serving students most at-risk of dropping out.

Demographic Characteristics

The majority of charter schools in Texas are located in urban areas, many (at least half and as many as two-thirds) are specifically designed to serve at-risk students[iii] (Texas Education Agency 1999). Table 1 contains a detailed demographic breakdown of student enrollment in charter schools in Texas, with a comparison to student enrollment in public schools throughout the state.

(Insert Table 1 About Here)

According to Brooks Flemister, senior director of the division of charter schools for the TEA, charter schools in Texas are "mostly an urban phenomenon. They do tend to congregate in areas where you have very large school districts as a choice to the large districts" (Waters, August 1, 1999, p. 19). In Fall 1999, approximately forty charter schools operated in the Houston area, offering some students an alternative to the huge 235,000 students enrolled in the Houston Independent School District (Waters, August 1, 1999).

In Texas, charter schools come in all shapes and sizes—and changes nearly every year as the schools add grade levels and student enrollment grows. A review of the schools in operation as of Fall 1999 reveals astonishing diversity in terms of size and

grade level served. Charter schools range in size from 23 students to 2,070 students, with an average enrollment of approximately two hundred students (Texas Education Agency 1999).[iv] The average enrollment is misleading, however. Only six charter schools in Texas have enrollments greater than four hundred students, and three-fourths of the schools have enrollments of less than 250 students. This is considerably smaller than the average enrollment (638) in a traditional public school in Texas (Charter School Resource Center 1999). More than *forty* different grade level configurations can be found among charter schools in Texas, with slightly more than a quarter consisting of grades 9-12. These configurations change year to year with continued charter school expansion.

A recent study commissioned by the State Board found that nearly three-quarters of students attending charter schools specifically created for at-risk students find the charter school they attend to offer smaller classes, be staffed by teachers who genuinely care about the students, give them more personal attention, and are of high overall quality (Texas Center for Educational Research 1998). In their first year of operation (1996), charter schools were characterized by low student-teacher ratios (12:1). In the second year (1997), the average student-teacher ratio had increased to 16:1, about the same as the average for traditional public schools in Texas, although the range among charter schools was quite broad--from a low of 4.9:1 to a high of 31:1 (Taebel et al. 1997; Texas Education Agency 1998). In the third year (1998), the student-teacher ratio had climbed to 21.6 (compared to 15.5 in traditional public schools), although more than one-third of the schools had a ratio of less than 15:1 (Texas Education Agency 1999).

Compared with their overall enrollment in public schools, African American and Hispanic students are over-represented in charter schools, while their Anglo counterparts are under-represented (See Table 1). Approximately 42 percent of students enrolled in charter schools in Texas are Hispanic, 34 percent African American, compared to 37 percent Hispanic and 14 percent African American in public schools (1999 data) (Charter School Resource Center 1999). The percentage of Anglo students enrolled in charter schools is slightly less than half the percent enrollment in public schools statewide (22 percent to 46 percent respectively). Nearly 66 percent of students enrolled in charter schools statewide are at-risk of dropping out, compared to only 37 percent in traditional public schools (Charter School Resource Center 1999). On the other hand, children classified as gifted and talented are underrepresented in charter schools: approximately 3.4 percent of students enrolled in charter schools are identified as gifted and talented, compared to 8 percent statewide (Water, August 1, 1999).

Charter schools in Texas serve fewer numbers of special education and limited English proficient (LEP) students than public schools statewide. Only 9 percent of students enrolled in charter schools are classified as "Special Education" compared with a state average of 12 percent; only 3 percent of students in charter schools are LEP compared to a state average of 12 percent (Texas Education Agency 1999). Since at least half of charter schools in Texas are created to meet the needs of students most at-risk of dropping out (a point made by advocates of charter schools), enrollment of special education and LEP students in charter schools in Texas should be ***higher*** than the statewide average. This raises serious questions of equity and social justice, particularly

insofar as children labeled as "special ed" or LEP are considered by many educators to be the children most difficult to educate.

Do charter schools, either explicitly or implicitly, discourage families with special education and LEP students from enrolling? Do families with such children feel welcomed in charter schools? Do staff in charter schools mislabel or fail to label students as special education and/or LEP to avoid providing the necessary services required for such students? Or are administrators and teachers in charter schools simply unaware of the identification of, requirements, and accommodations for special education and LEP students? Much additional research is needed in this area to answer questions of equity raised by this preliminary data.

Another equity issue in charter schools in Texas concerns the areas of staffing and governance. With respect to staffing, one of the "strengths" of Texas' charter school law, depending on one's perspective, is that teachers in open-enrollment charter schools need not be certified by the state. Students enrolled in charter schools in Texas are much more likely to be taught by a noncertified teacher: 54 percent of teachers in charter schools are noncertified, compared to only 4 percent in traditional public schools. Faculty in charter schools have slightly lower percentages of master's and doctorate degrees (22 percent and 2 percent) than faculty in traditional public schools (26 percent and 4 percent respectively) (Spring 1999 data). Teachers in charter schools also have less years teaching experience (about six years) compared with an average of about twelve years for teachers in traditional public schools (Mabin 2000).

Charter schools in Texas have higher percentages of minorities serving as faculty members, administrators, and board members than traditional public schools. According

to 1999 data provided by the TEA, 33 percent of faculty in charter schools are African American, 21 percent are Hispanic, compared to only 8 percent African American and 16 percent Hispanic teaching in traditional public schools statewide. Similar results are found among administrators and board members in charter schools. Based on Spring 1999 data, 31 percent of administrators in charter schools are African American, 23 percent Hispanic; 28 percent of board members in charter schools are African American, 26 percent are Hispanic.

The amazing diversity found among charter schools in Texas in terms of size, structure, and location, coupled with a corresponding shift in the demographic composition of students, faculty, administrators, and board members, reflects an attempt to "restructure, re-engineer, and reinvent" urban education in America (Fusarelli, 1999, p. 214). A growing number of people view the charter school movement as an opportunity to provide a more effective education to students who are ill-served by the public school system as it is currently structured. When Houston Independent School District trustees approved thirteen campus charter schools to operate within the district, Board President Don McAdams stated, "I think Houston is just seeing the beginning of a renaissance in education in its public schools. And I think these thirteen charters are sort of the vanguard of a whole wave of creativity and innovation that is going to be coming up through the system" (Markley, May 16, 1997, p. A29)

Many charter schools are taking advantage of their new-found flexibility, extending the school day and offering biweekly Saturday classes and mandatory summer school. Two charter schools were specifically designed to offer bilingual education programs, several charters have been granted to dropout recovery high schools, some

offer individualized instruction, two provide opportunities for distance learning, and a middle school has adopted an International Baccalaureate curriculum (Charter School Resource Center 1999). In several schools, teachers are reported to have developed their own curriculum. The most common educational practices reported are multi-age grouping, mainstreaming, use of technology to enhance student learning, performance-based assessment, and project-based learning (Texas Education Agency 1998).

OVERSIGHT AND ACCOUNTABILITY

Charter schools, like other public schools, are part of the state accountability system, a system considered by many to be one of the best in the nation (Palmaffy 1998). Charter-granting agencies, founders, and evaluators in Texas have a major advantage over those in other states in that a well-developed state assessment system is already in place. Charter schools are rated by the accountability system after operating for two years. They must meet the same standards as traditional public schools on the statewide test, the Texas Assessment of Academic Skills (TAAS), including the requirement that they pass the test to graduate (Fikac, July 4, 1999; Texas Education Agency 1998). The Charter School Resource Center of Texas, in its literature and support services to charter schools, places heavy emphasis on the importance of good TAAS scores and related indices of measurable student achievement. School dropout and attendance rates are incorporated into the accountability system as well. Schools are rated and classified into one of four categories: (1) Exemplary, (2) Recognized, (3) Acceptable, and (4) Low Performing, based on clearly defined dropout, attendance, and TAAS percent-passing rates.

Open-enrollment charter schools are subject to annual review by a state-appointed evaluation team which conducts a statewide evaluation. In conjunction with the commissioner, the State Board appoints an evaluation team to interview parents and students at the schools, monitor each school's progress, and report annually to the Board. The evaluation team presently consists of members of two non-profit corporations and three universities; two-thirds of the team is appointed by the SBOE, one-third by the commissioner.

In addition to participating in the state's assessment and accountability program, charter schools must design their evaluation programs to include more performance measures than traditional public schools, including achievement gains, nontraditional grading procedures, student products, and indices of parental and student satisfaction. The charter specifies how the data will be collected and submitted to the TEA and the State Board of Education (Charter School Resource Center 1998). Charter schools are required to submit annual reports to the TEA and State Board of Education.

A charter school can have its charter revoked if it is unsuccessful. To date, four charter schools in Texas have had their charters revoked, including one school which never opened. Revocations have not been the result of low student performance or failure to meet student performance accountability requirements; rather, charters have been revoked for reasons such as inadequate fiscal accountability, including the accumulation of a large budget deficit, and violation of laws relating to open meetings, public information, inaccurate student attendance recordkeeping, and child nutrition federal program requirements (Fikac, July 4, 1999). Before the SBOE decides to revoke a school's charter, several options are available, including placing the school on

probation for the duration of its charter, unilaterally modifying the existing charter, lowering the school's accountability rating (a shame-type of punitive action), or the commissioner may appoint a financial or program monitor or special master to oversee the operation of the charter school.

In Texas, conflict has arisen over the necessity to oversee a charter school system which serves less than one percent of the total public school population. According to Tom Canby, senior director of the TEA's financial audit division, "We are spending a disproportionate amount of resources on oversight of charter schools" (Eskenazi, July 22-28, 1999, p. 37). There has been some dispute among those charged with oversight of charter schools as to which division within the TEA has responsibility for that oversight function—whether it's the responsibility of the division of charter schools, TEA's financial audit division, the outside review team, or a combination of these groups. During the 1999 state legislative session, the TEA requested authorization of 24 additional staff positions to help oversee the rapidly expanding charter school program; lawmakers approved only 6 additional positions (Fikac, July 4, 1999). The division of charter schools in the TEA is woefully understaffed and received only a portion of this allotment. As more charter schools are created, the need for careful evaluation and assessment becomes greater than ever. As a result, the issue of evaluative capacity is likely to grow.

In addition to state-mandated accountability procedures, charter schools are also subject to the ultimate accountability standard—parents whose children are enrolled in the charter school. According to Allan Parker, president of the Texas Justice Foundation, "In the public school system, bad schools continue to put out students year after year.

These (charter) schools have the quickest accountability in the state . . . If parents don't like the school, they can take their kid out the next day" (Goins, n.d., p. A6).

Refining the System: The Role of Charter-Granting Agencies

To ensure that charters are "not just granted to anybody," the Legislature and the SBOE have made several changes in the application process for charter schools. In 1996, the State Board voted on each application until the maximum twenty were approved. Initially, the state did not require background checks on employees in charter schools. At present, the SBOE has a 45-member application review committee, appointed by board members and the education commissioner, to grade the written applications. Proposals are scored on the basis of the charter school's vision and goals, governance structure, accountability measures and goals, professional employee qualifications, and school support organization, including proposed budget feasibility. The committee also conducts personal interviews with each applicant.

The written application for charter status has been expanded to better assess the financial aptitude of a proposed charter holder. The new application includes a full disclosure clause requiring applicants for charters to list the names and contacts of board members who receive compensation from the school. It also requires school officers to reveal any bankruptcies and the charter holders to disclose any liens against them. Any lawsuits involving the applicants must also be disclosed in the charter application (Eskenazi, July 22-28, 1999). Criminal background checks are now required of all employees. The application requires that applicants disclose their intention to apply for a charter to the community; this notification must appear in a local newspaper and encourages any concerned members to contact the SBOE and voice their concerns.

These changes reflect the "lessons learned" from earlier selection processes, a process which charter granting agencies in other states are going through as well (Hassel and Vergari 1999).

PRELIMINARY PERFORMANCE DATA

In 1998, the first year for which performance data on charter schools in Texas is available, of seventeen charter schools rated, only one received the second-highest state accountability ranking of "recognized;" nine were judged "acceptable;" and seven received low performance ratings based on test scores, dropout rates, and attendance (Fikac, July 4, 1999). No charter schools were rated as exemplary in 1998. Texas accountability ratings for 1997-1998 show that 40 percent (of 17) charter schools received an "acceptable" or higher rating, compared with 91 percent of Texas public schools in general (Texas Education Agency 1998). Nine of the 17 charter schools enrolled a majority of "at-risk" students.

Table 2 contains a comparison of student performance in charter schools with statewide averages on the 1998 TAAS test.

(Insert Table 2 About Here)

As Table 2 demonstrates, in grades 3, 4, 6, 7, 8, and 10 (Exit), students enrolled in charter schools consistently scored lower, often substantially, than statewide averages for students in traditional public schools. Only in grade 5 did charter school students outperform students in traditional public schools, and even then by only one percentage point. The median TAAS passing rate for charter school students was 45 percent,

compared with 78 percent for all public school students ("Charter Schools Worse on TAAS" 1999)

Under Texas' accountability system, charter schools rated as low performing are required to develop a detailed improvement plan and will receive increased attention (including site visits) from the TEA. "We will want to know how they are going to address the weaknesses that were found in their programs," said Debbie Graves Ratcliffe of the TEA (Stutz, September 4, 1998, p. 1). The poor performance of charter schools under the state's accountability system has fueled critics' claims that the state has rushed too quickly in expanding charter schools beyond the twenty schools originally authorized under SB 1 ("Charter Schools Worse on TAAS" 1999).

While the data presented in Table 2 suggests that charter schools throughout the state are failing to match the performance of traditional public schools, concluding that Texas' experiment with charter schools is a failure is premature at best. The data itself may be misleading. Recall that student enrollment in charter schools represents less than one percent of total public school enrollment statewide. What gets lost in student performance comparisons, such as in Table 2, is the vast difference in the size of the test-taking populations. Each student taking the TAAS test in a charter school exerts a greater impact on the percent passing in each grade level because there are so few students taking the test, making valid comparisons difficult.

As a result, the mixed performance of students in charter schools may not be indicative of the low quality of the schools themselves. Senate Education Committee Chair Teel Bivins, a longtime supporter of charter schools, noted, "This is a program that doesn't lend itself to instant evaluation" ("Charter Schools Worse on TAAS" 1999, p. 1)

Because charter schools are so new, it may take years before solid, reliable school effects are reflected in student performance. As Vergari (1999) observed, preliminary student outcomes "may be more of a reflection of students' previous educational experiences than the performance of the charter school" itself (p. 400).

Since nearly two-thirds of students enrolled in charter schools are at-risk, predominately low-income, minority children, a more accurate measure would be to compare student achievement in charter schools with that of traditional public schools with similar demographics. The majority of charter schools cater to students who have not done well in traditional education. TEA spokesperson Debbie Graves Ratcliffe stated, "It's a victory that some of these kids are in school at all" (Walt, September 5, 1998, p. A37). Some charter schools operate as dropout recovery programs in which students need only a few credits to graduate or obtain their GED. Some students are referred to local charter schools by friends, other school administrators, or parole officers and judges (Nazareno, September 3, 1997). John Turman, Assistant Superintendent for the New Braunfels School District near San Antonio, stated, "The charter school[s] will provide a real education for expelled and troubled students. In the past they had nowhere to go . . . because we didn't have an alternative education program" (Sibley, July 8, 1998, p. H9). To obtain a more accurate assessment of student performance in charter schools, the TEA is undertaking a study designed to measure the pre- and post-test scores of students using the Texas Learning Index (TLI) for the purpose of measuring value-added gains (or losses).

Not all indices of student performance in charter schools are poor, some individual charter schools reported significant gains on the TAAS. Recently, a local civic

organization ran an essay contest for all middle school students in the district, students from a charter school took all six top honors (Charter School Resource Center 1999) Brooks Flemister, senior director of charter schools for the TEA, stated, "We have some [charter schools] doing a superb job and there are some that are not successful" (Waters, August 1, 1999, p. 19). Chase Untermeyer, chair of the State Board of Education, concluded, "The world of charter schools in Texas . . . shows the full range from those doing brilliantly to those that are embarrassments and probably will be closed" (Fikac, July 4, 1999, p. E4). State Representative Paul Sadler, chair of the House Public Education Committee, was quoted as saying, "There's a general feeling in the Legislature that some time needs to go by so we can evaluate these programs" (Fikac, July 4, 1999, p. E4). Jack Christie, Chair of the State Board of Education, agreed, arguing, "these are brand new schools, and I believe we should give them some leeway for the first few years. You give coaches three or four years to turn around an athletic program, and you should give educators time to do their job" (Stutz, September 4, 1998, p. 1).

Although preliminary student performance data are not encouraging, parents and students report satisfaction with charter schools throughout the state. Approximately 85 percent of parents (both at-risk and non-at-risk) and nearly 80 percent of students express satisfaction with charter schools, giving them a grade of A or B (Taebel et al. 1997; Texas Education Agency 1998). Nearly 75 percent of students attending at-risk charter schools in Texas find their school to be better than the public school they would otherwise have attended, giving the school a grade of A or B (Taebel et al. 1997; Texas Education Agency, 1998). More than two-thirds of at-risk students report that the at-risk charter school they attend offers smaller classes, more personal attention, better quality

teachers, and teachers who care more about their students than in the schools the students had previously attended (Texas Education Agency 1998). More than three-quarters of charter school directors report having a waiting list of students (Taebel et al. 1997; Texas Education Agency 1998). The president of the Houston chapter of the American Federation of Teachers (AFT) helped launch a charter school and serves on its board (Charter School Resource Center 1999).

CONTINUING CONTROVERSIES: EXPANSION AND SEGREGATION

A major, ongoing controversy is the expansion of charter schools in Texas. The program was initially conceived as a pilot program of twenty charter schools. However, during the 1997 legislative session, the cap was increased to 120, with unlimited additional charters for at-risk charter schools. In 1998, in response to mixed reviews of their academic and financial performance, the State Board of Education recommended the Legislature grant no additional charters until the existing charter schools prove successful (Hood, December 16, 1998). However, in 1999, under political pressure, the SBOE announced the creation of three new award cycles which has the potential to double within a year the number of charter schools in operation throughout the state.[v]

Several of the major teacher groups in Texas, and a few minority representatives in the state legislature, have expressed concerns over the continued expansion of charter schools, fearing it will resegregate the public schools, and have urged that additional charter schools not be authorized until the existing schools have demonstrated success. John Cole, President of the Texas Federation of Teachers, stated, "We seem to be reinventing the old Jim Crow school system" (Mabin 2000, p. 1). Others, however, point to the demographic make-up of charter schools and assert that they serve a student

population that the traditional system has largely ignored. A spokesperson for a group pushing vouchers stated,

> It was very very difficult to bash the charter school movement when you looked at the characteristics and the demographics of the students. . . What you find is that 78 percent of those students are at-risk children. Most of them [charter schools] are dropout recovery programs and they're performing a service to kids who are most needy. (Fusarelli 1998, p. 64)

Reflecting on the Legislature's expansion of charter schools in 1997 (which created a "flexible cap"), a senior Republican state senator noted:

> I think the reason we were able to expand it [the cap] is that these [charter schools] were not white flight, that the vast majority of these are being created to address bilingual or at-risk kids from bad socioeconomic circumstances. And the people who were originally afraid of them began to understand that this is, this may be a ticket out for some of those kids. So, I think it [raising the cap] was more the experience of what type of programs they are offering as opposed to the results or the quality of them. (Fusarelli 1998, p. 66)

In the third-year state evaluation of charter schools, Catherine Clark of the Texas Center for Educational Research, stated, "We [the evaluation team] didn't so much see it as segregation as a negative thing, but distinction" (Mabin 2000, p. 1). At present, it is too early to tell whether charter schools will resegregate Texas' public school system, although the traditional public school system in Texas is already so segregated that charter schools could hardly make the situation worse (and may, in fact, lead to greater integration). One thing is certain. Given the continued rapid expansion of the charter

school program, the political conflict over Texas' experiment with charter schools will not abate in the near future.[vi]

The Charter Challenge: Impact of Competition on Traditional Public Schools

A key issue is what effect, if any, charter schools have on neighboring public schools. In the third-year evaluation of charter schools in Texas, a research team surveyed 271 public school superintendents with charter schools operating nearby.[vii] The research team found that 80 percent of superintendents reported the local charter school had no discernible effect on programs, policies, or practices in the public schools; 15 percent reported mild effects; and 5 percent reported moderate to strong effects (Texas Education Agency 1999). Of those reporting charter school effects, two-thirds described the effects as detrimental, eight percent as beneficial. Six percent reported that the presence of the charter school has influenced the district to consider the future implementation of new programs or practices. Contrary to expectations, ninety percent of superintendents surveyed reported no detrimental financial effects from the presence of charter schools. In Texas, this is likely due to several factors, including (1) small charter school enrollment, relative to the state's total public school enrollment, (2) the fact that many charter schools are located in urban areas, near large districts where the effects are diluted, and (3) the continued growth of public school enrollment throughout the state with, therefore, no net enrollment loss.

Although comprehensive empirical evidence of charter school effects is lacking, preliminary anecdotal information suggests charter schools in Texas are inducing a variety of curricular and related reforms in neighboring public schools. A charter school in Irving, Texas, using a rigorous International Baccalaureate (IB) curriculum, prompted

the nearby public school district to initiate a similar IB pilot program (Charter School Resource Center 1999). In response to a charter school adopting a challenging Career and Technology curriculum, the local district pushed for a new $50 million middle school explicitly patterned after the charter school's program (Charter School Resource Center 1999). Several districts have initiated school uniform programs after neighboring charter schools implemented similar plans (Charter School Resource Center 1999). After a charter school created a successful exchange program with a "sister city" in Mexico, the local district announced creation of a similar program (Charter School Resource Center 1999).

Unfortunately, anecdotal evidence aside, it is too early to determine with any certainty whether the charter school challenge will encourage or force traditional public schools to modify their programs to better meet the needs of an increasingly diverse student population. As Hassel (1999) notes, such "second-order effects" will likely take years to manifest themselves in public schools (p. 4).[viii] Until such effects are clearly documented, the perceived lack of effects weakens one of the central tenets of the charter school (and school voucher) philosophy—that more choice will lead to greater competition and thus improved educational outcomes. This question, which is critical to the long-term success of both movements, remains largely unanswered.

Charter School Finance and Support

Charter school funding continues to be a controversial issue in Texas. Although charter schools in Texas receive the same per-pupil allotment as public schools, charter schools do not receive funding for start-up costs and facilities and cannot collect local property tax revenue. State money is supplemented only by grants, donations, and a

limited amount of federal funds for start-ups. Charter schools are unable to save money to build permanent facilities nor can they pay for facilities through voter-approved bonds. In many areas, charter schools continue to meet stiff resistance from traditional public school districts that fear loss of revenue and students.

Related to funding is the lack of technical assistance offered to charter schools. Several charter school directors complain that state auditors only show up to investigate alleged wrongdoing, not to provide advice and support. The Charter School Resource Center of Texas (CSRC) was created to provide technical assistance and training workshops for charter schools (Markley, September, 15, 1997). However, the CSRC is a privately funded, nonprofit organization and receives no state funding. The CSRC hosts multiple curriculum and administrative workshops throughout the state and in 1998 made over two hundred on-site support service visits.[IX] The twenty Educational Service Centers (ESCs) across the state have been directed to offer technical assistance to charter schools (as they do for traditional public schools) but many have been resistant to the additional workload imposed by charter schools—particularly given that the budgets of the ESCs have not been increased accordingly.[X] The TEA cannot by law offer technical assistance to charter schools given their role as monitors of the schools.

Charter Schools and the Media: A Love-Hate Relationship

Press coverage of charter schools has also been a source of controversy, with many supporters believing that the media focuses too much attention on failing charter schools. Representative Sadler stated, "if you have 100 outstanding programs, but you have one bad program, the one bad program is the one that's going to get all the newspaper print" (Fikac, July 4, 1999, p. E4). Flemister agreed, noting that, "One or two

charter schools in trouble have dominated coverage by the media of the charter schools movement and there has not been an appropriate balance of coverage of the good charter schools" (Waters, August 1, 1999, p. 19). For example; in 1996, the state overpaid fourteen of its eighteen newly created charter schools $2.4 million due to the schools' over-reporting their enrollment figures (Walt, November, 7, 1997). However, State Education Commissioner Mike Moses pointed out that about half of traditional public districts throughout Texas are overpaid each year as well (Walt, November 7, 1997). Consequently, Flemister lamented, "people get an improper view of the charter school movement" (Waters, August 1, 1999, p. 19).

Not surprisingly, opponents believe the media dotes on charter schools, lambasting traditional public schools in the process. A cursory review[xi] of articles in major newspapers throughout Texas from 1998-1999 suggests that a majority of articles (54 percent) portrayed charter schools in a positive light, often describing the unique features (such as addressing the special needs of students) of individual schools. Approximately 42 percent of newspaper articles were critical of charter schools, with primary attention paid to fiscal improprieties. The remaining newspaper articles were neutral in their reporting of charter schools. Much of the imbalance in positive coverage of charter schools is attributable to the newness of the reform effort and the creation of schools specifically designed to serve at-risk students. It is possible, however, that as the newness of the reform wears off, as the number of charter schools grows, and as the existing schools mature, the incidences of failure may increase,[xii] which will likely bring back into balance newspaper coverage of the reform effort. Presently, what is clear from

the media coverage of charter schools is that they receive a great deal of attention, both good and bad, from the press.

CONCLUSION

Charter schools in Texas have progressed from the initiation phase through the implementation phase and are now entering the institutionalization phase. Charter school enrollments have increased from an average of 150 students in 1997 to 200 students in 1999. The state education commissioner created a charter school division within the TEA to assist the charter school process. Competition for charter schools is high in Texas. After the Legislature voted to increase the number of open-enrollment charter schools in 1997 by one hundred, approximately seven hundred organizations requested applications from the TEA, prompting Brooks Flemister, senior director for charter schools at the TEA to comment, "There is a lot of interest out there in these schools" ("500 Groups" 1997, p. B1). Flemister predicted charter schools are here to stay since they have been incorporated into state law and are continuing to grow (Waters, August 1, 1999). Nearly all the charter schools in Texas plan to expand, reflecting the high demand by parents to send their children to these schools.

Although charter schools are growing in popularity throughout Texas, the battle over their expansion, even their continued existence, is far from over. The controversies outlined above are many, and Texas' "experiment" with charter schools is far from conclusive. As Vergari (1999) noted, "Although desirable, enthusiasm [and public support for charter schools] is an insufficient indicator of the overall performance of a charter school" (p. 400). Ultimately, charter schools must prove they can more effectively educate students, particularly those most at-risk, if the movement is to thrive

Although it is too early to tell, preliminary evidence suggests charter schools are clearly no "magic bullet" to the problems of American education

Nor is there concrete evidence that the initial enthusiasm for charter schools will be able to sustain itself. As Sarason (1998) points out, founders of charter schools tend to underestimate greatly how difficult it is to create a school from the ground up, particularly the unanticipated conflicts that arise. Many founders, particularly teachers, parents, and community groups, are unfamiliar with the administrative details of actually running a school, are often totally unprepared and ill-equipped for the demands and burdens of school administration (Hassel 1999). Like any cause or revolution, charter schools require an *enormous* commitment of time and resources. Like all causes, such movements are difficult to sustain. A charter school teacher in Colorado said, "This is the most exciting job I've ever had, and I love it. It's also the hardest" (Nathan 1996, p. 180). It is unclear whether enough good intentions, "entrepreneurial spirit and dedication among school leaders can be mustered to expand charter schools into a widespread educational reform movement" (Fusarelli 1999, p. 222). The burden may be too great.

Another factor tempering enthusiasm for charter schools is the incredible barriers which exist, making it difficult to sustain the movement. Despite the appearance of widespread bipartisan support, increasing opposition to charter schools is surfacing. Local teacher unions, public school administrators, and school districts in many areas are openly hostile toward charter schools, erecting multiple obstacles in the path of the reform effort and attempting to block efforts at expanding and strengthening charter school laws. One charter school founder said, "It is as if we were creating a leper

colony" (Sarason 1998, p. 53). This ever-present institutional resistance may, in the end, pose the greatest threat to the success and longevity of the movement.

In the conclusion of his frequently-cited book on charter schools, Joe Nathan (1996) asks, "Twenty years from now, will the charter movement be a chapter or a footnote in school reform?" (p. 180). In a similar vein, Bryan Hassel (1999) wonders whether the early momentum will "propel the charter school movement into a future of real impact?" (p. 147). Some scholars have suggested that charter schools will usher in a new era of accountability in schools (Hassel and Vergari 1999). This is unlikely to happen with charter schools in Texas, since the statewide accountability system is so well established. Perhaps charter schools will help other states develop their accountability systems. In Texas, however, the effect, if any, may be on helping state policymakers to rethink and revise the alternative accountability system for non-traditional schools (such as dropout recovery programs).

Charter schools in Texas appear to be addressing a need within the public school system -- the inadequacy of traditional public schools to provide an effective and efficient education to students most at-risk of dropping out. Advancing this equity argument, advocates assert that charter schools' responsiveness to the needs of at-risk students has been largely absent in the traditional public education system. Finally, someone is paying attention to the needs of at-risk, predominately minority children, telling them "You count!", "We care about you," and "Here is a place where you matter." Imagine. Schools that actually focus on children, instead of special interest groups and bureaucracies. It is likely, therefore, that the movement will continue to grow, offering

more choice within the public school system, and, perhaps, challenging it to improve—which was the intent of the founders of the movement all along.

A word of caution, however. If the history of school reform in the United States teaches us anything, it is that we should not underestimate the power of existing institutional and organizational arrangements, and the effects of these deep, structural patterns on individual behavior (Peters 1999, Scott 1995). As charter schools expand, adding grade levels and increasing in size, they risk losing the very features that make them unique—their small size,"" greater personal attention, and heightened sense of community. As they become institutionalized, they may evolve into something not unlike traditional public schools—perhaps serving as alternative schools for "hard to educate" children. For example, Texas' statewide accountability system, with its heavy emphasis on measurable standards, will gradually force charter schools into one mold—not unlike traditional public schools.

Twenty years from now, it is likely that charter schools will be fully incorporated into the traditional public school system, offering, in a best-case scenario, smaller, more attentive schools focused on the needs of children most at-risk. The worst-case scenario is that the charter schools will be so greatly influenced by existing institutional structures and organizational processes that the status quo will prevail. It is still too early to tell which of these educational futures will prevail. For the sake of our children, and in the interests of equity and simple justice, it must not be the latter.

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Appendix A

Summary of Key Provisions of Texas' Charter School Law

Number of Schools: Flexible cap: 120 open-enrollment charters, additional unlimited open-enrollment charters may be granted if at least 75% of students served by charter school are at-risk of dropping out, unlimited local campus charters

Eligible Operators: Public or private higher education institutions, nonprofit organizations, government entities, groups of parents and/or teachers, no home schools

Waivers/Exemptions: full waiver from State Education Code, exemptions from school board rules and policies as specified in the charter, charter schools are not exempt from regulations regarding class size, graduation and accountability requirements, laws related to bilingual and special education, textbooks, finance, and selected additional provisions

Governance: specified in charter

Accountability: Student performance requirements as specified in the charter, must participate in state assessment/accountability program, including public reporting of test scores, annual evaluations of open-enrollment charter schools

Teachers: Teacher certification is required for conversions, start-ups can set employee certification requirements, collective bargaining not required

Preference for Enrollment: No enrollment preferences are permitted, although district-approved campus charters must give priority based on geographic and residency considerations

Selection Method: In case of over-enrollment, the selection method is specified in the charter

Funding: Open-enrollment charter schools receive one hundred percent of the state and district operations and maintenance funding that follows students, based on average district per-pupil revenue, funding for district-approved campus charters is negotiated with the sponsor district and specified in the charter, funding for district-approved campus charters comes through the district, funding for open-enrollment charters comes directly to the school from the state

Start-up Funds: No state funding, state distributes federal charter school funding to qualified charters for start-up expenses

Sources: Center for Education Reform (1998), Charter School Resource Center of Texas, "Texas Charter School Information" (1999), Texas Education Agency, U.S. Department of Education (1998b)

Table 1

Texas Student Demographics
(May 1999)

	Charter Schools	Texas
African American	34%	14%
Hispanic	42%	37%
Anglo	22%	46%
Other	2%	3%
At-Risk	66%	37%
Special Education	8%	12%
LEP	3%	12%
Male	56%	51%
Female	44%	49%
Enrolling from Private Or Home School	7%	NA
Not Enrolled in School Previous Year (PreK, K, Or Recovered Dropout)	8%	NA

Source: Charter School Resource Center of Texas, 1999

Table 2

1998 Average Percent Passing TAAS (all sections)

	Charter Schools	Texas
Grade 3	63	75
Grade 4	57	77
Grade 5	84	83
Grade 6	61	80
Grade 7	59	78
Grade 8	60	71
Exit (Grade 10)	34	70

Source: Texas Education Agency, 1998

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[2] There is no cap on the number of districts that may receive home rule district charters ("Texas Charter School Information" 1999).

[3] A charter school is considered an "at risk" school if at least 75 percent of the students enrolled in the school are designated as at risk of dropping out (Texas Education Agency 1999). While the TEA reports that about half of charter *schools* in Texas are designated as "at risk," the Charter School Resource Center of Texas (1999) reports that 66 percent of *students* enrolled in charter schools are classified as at risk.

[4] During their first three years of operation, average enrollment in charter schools in Texas has fluctuated from 147 (1996-1997), to 217 (1997-1998), to 198 (1998-1999) (Texas Education Agency 1999).

[5] Similar pressures were reported in Hassel and Vergari's (1999) study of charter granting agencies in Arizona, Chicago, the District of Columbia, Massachusetts, Michigan, and North Carolina, suggesting this phenomenon is widespread.

[6] Charter schools were "sold" as an experimental pilot program which would be tested and evaluated. However, given the state legislature's actions with respect to the rapid expansion of the program (mixed results notwithstanding), the corollary argument made by groups pushing a pilot voucher plan is weakened. Pilot studies are designed to be discontinued if proven ineffective. It is highly unlikely that anti-voucher groups would accept a small pilot voucher plan, as they did in the case of the battle over charter schools. A pilot voucher plan could not be packaged or "sold" the same way given the experience with charter schools (Iwanetti, 1998).

[7] The response rate was 72 percent.

[8] Noting that most of the nation's charter schools have been in operation for two years or less, Hassel (1999) comments that, "improvements in the achievement of students who attend charter schools will probably take longer than that to show up" (pp. 3-4).

[9] All data in this section was provided by the Charter School Resource Center of Texas.

[10] Hassel and Vergari (1999) observe that it is typical for state legislatures to "pass charter laws without appropriating any funds for the activities of CGAs [charter granting agencies]" (p. 410). When the Texas

state legislature passed its charter law in 1995, it created an independent review board to evaluate the effectiveness of the original pilot study (20 schools) but failed to appropriate funds for the project (Fusarelli 1998)

* N = 80

** Media coverage of scandals in schools tends to greatly outweigh/outnumber reports of success, a phenomenon noted in studies of media coverage of public schools (See Berliner and Biddle 1995)

*** This feature has been noted by several researchers as a key to creating more effective schools, particularly in urban areas plagued by massive, highly impersonal schools (Fusarelli 1999)

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